

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 442 - HB 880**

February 18, 2013

**SUMMARY OF BILL:** Grants any hospital, treatment resource, or health care provider immunity from any civil liability for, and establishes an affirmative defense to any criminal liability arising from, a determination relative to emergency involuntary admission to inpatient treatment of a person to a facility or treatment resource or the transportation of a person to and from the hospital or treatment resource. Grants a physician, psychologist, or designated professional immunity from civil liability for, and establishes an affirmative defense to any criminal liability arising from, a determination that a person subject to emergency involuntary admission does not require physical restraint or vehicle security and does not pose a reasonable risk of danger to the person's self or others. If the physician, psychologist, or designated professional is an agent of a hospital, health care facility, or community mental health center, then that hospital, health care facility, or community health center is also immune from any civil liability for, and will have an affirmative defense to any criminal liability arising from, the agent's determination and from the transportation of the person to and from the facility. Establishes that the state is the sole employer of a physician, psychologist, or designated professional making a determination relative to transportation of the person subject to emergency involuntary admission when the physician, psychologist or designated professional is engaged in making the determination.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- According to the Department of Health and the Department of Mental Health and Substance Abuse Services, the fiscal impact of the bill on the departments will be not significant.
- According to the Administrative Office of the Courts, although the bill provides for civil immunity and establishes an affirmative defense under certain circumstances, it will not significantly reduce courts' caseloads and the fiscal impact on courts will be not significant.
- According to the County Technical Assistance Service, the bill may reduce litigation expenditures for county treatment facilities. It is estimated that any reduction will be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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